# BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

MAY 9, 2001

IN RE:	)
ALL TELEPHONE COMPANIES TARIFF	) DOCKET NO.
FILINGS REGARDING	97-00409
RECLASSIFICATION OF PAY	)
TELEPHONE SERVICE AS REQUIRED BY FEDERAL COMMUNICATIONS	)
COMMISSION (FCC) DOCKET 96-128	)

#### ORDER APPROVING TARIFF NO. 01-00312

This matter came before the Tennessee Regulatory Authority ("Authority") at the regularly scheduled Authority Conference held on May 1, 2001 for consideration of Tariff No. 01-00312 filed by Citizens Telecommunications Company of the Volunteer State ("CTV") on April 6, 2001.

### I. Factual and Procedural History

At a regularly scheduled Authority Conference on December 19, 2000, the Authority addressed, in part, the merits of Docket No. 97-00409, "the Payphone Docket." The Authority first determined that payphone access line rates should equal the sum of a monthly, flat rate and a usage rate.<sup>1</sup>

The Authority next turned to calculating the carriers' rates and set CTV's permanent monthly, flat rate at \$17.78 and CTV's coin supervision rate at \$3.96.<sup>2</sup> The Authority did not set the

<sup>&</sup>lt;sup>1</sup> See Interim Order, p. 15 (Feb. 1, 2001).

<sup>&</sup>lt;sup>2</sup> See id. at 21-22 & Exhibits 6 - 7. The addition of the coin supervision feature transforms the access line such that the intelligence for certain payphone features, such as coin-handling, reside in the local exchange carrier's switch, rather than the payphone set.

traffic sensitive rates for CTV because the cost data provided by CTV was insufficient.<sup>3</sup> Instead, the Authority directed CTV to file the necessary usage data no later than December 29, 2000. On January 8, 2001, CTV filed usage data and a letter explaining that it does not have measured service available in its territory.

At the February 21, 2001 Authority Conference, the Authority unanimously found that, as to CTV, it needed to set a "single, monthly flat rate that recovers CTV's costs of the non-traffic sensitive portion of the payphone access line as well as associated usage." Thereafter, the Authority concluded that the "[a]pplication of the new services test methodology to the cost study and monthly, traffic sensitive costs per payphone access line data of CTV results in a monthly flat rate of \$20.54 for CTV." Lastly, the Authority ordered CTV to file compliant tariffs no later than March 5, 2001.

CTV filed Tariff No. 01-00203 on March 2, 2001. At a regularly scheduled Authority Conference on April 3, 2001, the Directors made the following findings:

- 3) Tariff No. 01-00203 is not consistent with the Authority's decisions as memorialized in the *Interim Order* and *Second Interim Order* because the Authority did not order a separate rate for optional payphone screening features.
- 4) CTV had the opportunity to submit costs for additional services when it filed its cost study, but failed to do so. CTV should not be permitted to introduce a rate for optional payphone screening features after the fact. At this stage of the proceeding, the Authority can not ensure that the proposed rate is compliant with the new services test. If CTV believes that the payphone rate approved herein does not adequately recover the cost of screening functions, it may seek relief in another proceeding.<sup>6</sup>

Thereafter, the Authority denied Tariff No. 01-00203 and ordered CTV to file a compliant tariff no later than Friday, April 6, 2001.

<sup>&</sup>lt;sup>3</sup> See id. at 21.

<sup>&</sup>lt;sup>4</sup> Second Interim Order, p. 2 (Mar. 2, 2001).

<sup>&</sup>lt;sup>5</sup> Id.

<sup>&</sup>lt;sup>6</sup> Order Approving Tariff No. 01-00202 and Denying Tariff No. 01-00203, p. 3 (Apr. 17, 2001).

## II. Findings of Fact and Conclusions of Law

- 1) As required by the *Interim Order* and *Second Interim Order*, Tariff No. 01-00312 establishes a flat payphone access line rate of \$20.54, including usage, and an optional coin supervision/transmission feature rate of \$3.96 per month per payphone access line.
- 2) Under Tariff No. 01-00312, CTV will provide optional payphone screening features to customers at no additional charge as required by the Authority in the *Order Approving Tariff No.* 01-00202 and Denying Tariff No. 01-00203.
- 3) Tariff No. 01-00312 complies with the Authority's previous orders in this docket.

  Based on these findings and conclusions, the Authority voted unanimously to approve Tariff

  No. 01-00312 as filed on April 6, 2001.

## IT IS THEREFORE ORDERED THAT:

Tariff No. 01-00312 filed by Citizens Telecommunications Company of the Volunteer State on April 6, 2001 is approved and shall be effective as of May 1, 2001.

Sara Kyle, Chairman

I. Lynn Greer, Jr., Director

ATTEST:

K. David Waddell, Executive Secretary

<sup>&</sup>lt;sup>7</sup> The optional screening services provided are "no third-number billing," "no collect calls," and "no operator completed sent paid calls."